

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c) Rhondi Lynn Schwartz, Esquire Jenkins & Clayman 412 White Horse Pike Audubon, NJ 08106 (856) 546-9696 Attorney for Debtors	
In Re: Arkeith and Cyntrina Smith Debtors	Case No: 19-21795 Judge: MBK Chapter: 13

CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION TO

- ☐ **CREDITOR'S MOTION or CERTIFICATION OF DEFAULT**
☒ **TRUSTEE'S MOTION or CERTIFICATION OF DEFAULT**

The debtor in the above-captioned Chapter 13 proceeding hereby objects to the following
(choose one):

1. ☐ Motion for Relief from the Automatic Stay filed by
 creditor.

A hearing has been scheduled for

OR

- ☒ Motion to Dismiss filed by the Standing Chapter 13 Trustee,

A hearing has been scheduled for August 25, 2021 at 9:00 A.M.

- ☐ Certification of Default filed by _____, creditor.

I am requesting a hearing be scheduled in this matter.

OR

- ☐ Certification of Default filed by Standing Chapter 13 Trustee.

I am requesting a hearing be scheduled in this matter.

2. I am objecting to the above for the following reasons (**choose one**):

- ☐ Payments have been made in the amount of \$_____, but have not been accounted for. Documentation in support of attached hereto.
- ☐ Payments have not been made for the following reasons and debtor proposes repayment as follows **explain your answer**):_____

☒ **Other (explain your answer):** I understand that we fell behind in Trustee payments. I got COVID in November 2020 and was sick for 8 weeks and had complications from being sick. I only received 60% of my pay when I was on disability which ran from November 2020 through April 2021. I therefore did not have enough income for the full wage order to come out of my pay but money has been continuing to be sent to the Trustee so he is receiving money all the time. I am going to file a Modified Plan to extend the term of my plan and capitalize the arrears so that my Trustee is brought current.

3. This Certification is being made in an effort to resolve the issues raised by the creditor in this motion.
4. I certify under penalty of perjury that the foregoing is true and correct.

Date: August 17, 2021

/s/ Arkeith Smith
Arkeith Smith. Debtor

NOTE:

1. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor at least seven (7) days before the return date pursuant to D.N.J. LBR 9013-1(d), if filed in opposition to a *Motion for Relief from the Automatic Stay or Trustee's Motion to Dismiss*.
2. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor within ten (10) days of the filing of a *Creditor's Certification of Default* (under an *Order Resolving Motion to Vacate Stay and/or Dismiss with Conditions*) or a *Trustee's Certification of Default*.

If this form is not filed the Motion or Certification of Default will be deemed uncontested and no hearing will be scheduled.